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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,459	10/16/2001	Michael H. D'Amico	13251US01	5919

7590 04/19/2004

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EXAMINER

HARRISON, JESSICA

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/981,459

Applicant(s)

D'AMICO ET AL.

Examiner

Jessica J. Harrison

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10, 21-26 and 34 - 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 21-26 and 34 - 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on October 16, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

Applicant's amendment of January 9, 2004 is acknowledged. Claims 1, 21 and 34 have been amended. Claims 11-20 and 27 - 33 have been cancelled. Claims 1-10, 21-26 and 34 - 39 remain pending.

***Claim Rejections - 35 USC § 112***

Claims 1-10, 21-26 and 34 - 39 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification fails to utilize the terminology cashless data to support cashless operation and non-cashless data to support non-cashless operation. Further, the specification fails to clearly define any data as being **required**, as is now claimed. As the language/concept now claimed is not seen in the original disclosure, its addition to the claims is considered new matter.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10, 21-26 and 34 – 39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As amended, the claims now recite cashless and non-cashless data. As the term 'cashless' is not utilized in the specification, it is not reasonably clear to what applicant is referring. Applicant fails to set forth any support for his amendment, and a brief review of the specification reveals disclosure of input data, output data, transaction data defined to be meter data and jackpot data, and gaming data. Input data is further defined as being credit balance, player data and ticket data. Accordingly, the metes and bounds of the invention would not be known by the public.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7 and 10 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Acres '483.

The rejection is maintained from the previous office action.

Note Acres bank controller is interpreted as the second database and the accounting system to be the first database. The first network is 22, the second network connects the bank controller through the hub to the concentrator/translator and then on to the server systems. Regarding the meter data recited in claims 4-7 and 10, these features limitations are well known and inherent to Acres game machines. The reference is deemed to meet the claims as broadly claimed.

Claims 1-10 and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Rowe '907.

The rejection is maintained from the prior office action.

Rowe discloses a cashless transaction clearinghouse network system for allowing cashless instruments to be used across multiple gaming properties. The system provides for an apparatus/method for providing data storage and communications, as well as an apparatus/method for generation of audit reports required by gaming regulation. Rowe's system includes a network and a first network and a data processing unit comprising a second database arranged to poll and store with CVT units – see 8:20-24 at least. Rowe's machines generate meter data such as credit balances, ticket information and validation codes and the like – see the description of the prior art in cols 1 and

2 – inherently Rowe uses known games machines in his network. Rowe also discusses the capability for report generation at 9:55 – 10:10; clearly the data is available, stored and in the proper format for this function to occur. Note also that erasure of data in temporary data storage is also a well known and inherent feature of data transmission. Rowe teaches processor to manage data storage with processor 50 as well as with the clearing house server 136. Finally, regarding the grouping and polling of data, note CVT's are polled at 9:12 in addition to the known fact that polling of terminals for data in a network is hornbook data management. The reference is deemed to meet the claims as broadly claimed.

***Response to Arguments***

Applicant's arguments filed January 8, 2004 have been fully considered but they are not persuasive.

Applicant begins his remarks by stating clearly on the record that at present, regarding claims 1 – 20, the claims are not intended to be construed under 35 USC 112 6<sup>th</sup> paragraph. Applicant states the claims are drafted with structural terms. Accordingly, claim 1 defines (in a system) a plurality of gaming machines, a first database arranged to store data, apparatus (function not limiting) comprising: a network and a data processing unit comprising a second database. By applicant's stated interpretation, no means for performing the functions recited are seen in the claims, therefore the functions are not limiting.

Continuing applicant notes his intention to claim the combination of the system with the apparatus as the examiner previously interpreted.

Regarding the section 102 rejections, applicant has amended the claims to further define the types of data stored and argues that this data is required and not seen in either Acres or Rowe individually. Respectfully, applicant's argument is not commensurate in scope with applicant's claim language. Clearly these references have the structure recited. Databases store data regardless of how a software routine may designate the data. Applicant's arguments to non-limiting function are not persuasive.

Regarding claims 4 - 7 and 10, applicant challenges the examiners statement that such structures as meter storing meter data and cards storing identification codes are well known in the art. Applicant submits failure to cite a reference equates to the elements not being well known, or alternatively if contained within the examiner's knowledge, that the examiner provide an affidavit attesting to such known facts. The examiner interprets applicant's argument is the best possible light and assumes applicant is unaware of, for example, Nevada Gaming Commission regulations regarding the requirement for all data in gaming systems to be metered as well as the maintenance of player identification in player tracking systems. See at minimum Regulations 6 and 6A. Such serves as the examiner's basis for the statement of inherency in that the Acres/Rowe systems are designed to be commercially viable and therefore must meet regulatory requirements of gaming jurisdictions. These

items must necessarily be present for gaming approval. Silence of the references, in this aspect, points to how known these aspects are in that it is preferable that applicants omit notoriously known subject matter from patent applications so that the actual invention is not obscured.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

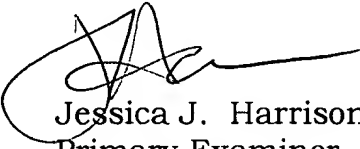
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica J. Harrison whose telephone number is 703-308-2217. The examiner can normally be reached on 8 hour/M-F.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.



Jessica J. Harrison  
Primary Examiner  
Art Unit 3714

jjh